

**ELEVATOR SAFETY BOARD – LICENSING SUB-COMMITTEE MEETING
MINUTES**

June 15, 2010

**LOCATION: MISSOURI DIVISION OF FIRE SAFETY
2401 E MCCARTY STREET
JEFFERSON CITY, MO 65101**

BOARD MEMBERS PRESENT

**John McNerney
Suzan Mehalko
J A Marchack
John Orr**

DIVISION STAFF PRESENT

**Randy Cole, State Fire Marshal
Greg Carrell, Assistant State Fire Marshal
Larry Watson, Deputy Chief Elevator Safety Unit**

VISITORS

**Johnathan E. Dalton, Attorney (NEII)
Eric Rogers, IUEC Local 12
Jim Chapman, IUEC**

J. Marchack opened the meeting @ 10:00 a.m. and requested introductions of those present.

Copies of the latest proposed draft of the “licensing rule” were distributed.

The draft version was reviewed by the group sections at a time with suggestions being made by various attendees. These suggested changes related to editorial revisions as well as providing additional clarification within sections.

Legal guidance will be sought by the Division of Fire Safety concerning the citing of statutes in certain sections along with cites for code of state regulations. In addition, civil and criminal penalty language will be developed with the assistance of legal counsel as well as language concerning appeals via the Administrative Hearing Commission. All felt it necessary to have administrative discipline capabilities when an individual or contractor performed non-compliant work in accordance with national standards, state laws and regulations. In addition, all felt it necessary to have similar ability when an individual or contractor negligently created an

imminent public safety situation. Discussion and consensus of the group involved the ability of the Board to take administrative action against an individual or contractor whose license from another state resulted in disciplinary action. Language also needs to be added that creates a criminal penalty for not being in compliance with the licensing requirement.

Key discussion points included section relating to registration of certification programs with the Missouri State Apprenticeship Council under Department of Labor. John McNerney advised that at the present time information he obtained from the council is that the only registered certification program is National Elevator Industry Education Program (NEIEP). It is unknown as to the process involved to register such certification programs, however, since neither the Certified Access Technician Program (CAT) or Certified Elevator Technician Program (CET) are currently registered with the council, the draft rule would require such registration. It was discussed that the purpose of being registered with the council is to have some level of oversight concerning training hours and continuing education units.

Mr. Cole advised he would attempt to contact a representative with the council to see if they could attend tomorrow's meeting and provide details of a registration process. All agreed that this process was necessary, but assurance was needed to determine the feasibility of such registration process for CAT and CET. All too, agreed there is no intent to create a licensing program which limits an individual whether they represent union or non-union.

Another key point of discussion was to better define "direct supervision" as it relates to helper/apprentice. All agreed to the following intent:

- Direct supervision shall mean on the job site as it relates to new installation;**
- Direct supervision shall mean having the ability to physically intervene in a reasonable safe period of time as it relates to service and maintenance;**
- In no event shall direct supervision be interpreted to authorize a helper/apprentice to place a conveyance in or out of service.**

The sections relating to licensing reciprocity from other states was removed from the draft. All felt it would be a challenge to determine what other states may or may not have in place in comparison to Missouri requirements. All applicants would be required to provide documentation/verification of their qualifications before being issued a license.

The meeting ended @ 12:50 p.m. and key discussion points will be presented to the full Elevator Safety Board at the June 16, 2010 meeting.